

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT HUNTINGTON

RANDALL LEE MAYS, II,

Plaintiff,

V.

CIVIL ACTION NO. 3:03-0536

DIXIE AVERY,

Defendant.

**FINDINGS AND RECOMMENDATION**

By order entered May 3, 2006, plaintiff was advised that failure to show good cause for the retention of this matter on the Court's docket would result in a recommendation that it be dismissed from the Court's docket. Although the time provided for filing a response to the order has passed, plaintiff has failed to respond in any manner.

**RECOMMENDATION**

In light of the foregoing, it is **RESPECTFULLY RECOMMENDED** that this action be dismissed from the Court's docket.

Plaintiff is hereby notified that a copy of these Findings and Recommendation will be submitted to the Honorable Robert C. Chambers, United States District Judge, and that, in accordance with the provisions of Rule 72(b), Fed.R.Civ.P., plaintiff may, within thirteen days from the date of filing of these Findings and Recommendation, serve and file written objections with the Clerk of this

Court identifying the portions of the Findings and Recommendation to which objection is made and the basis for such objection. The Judge will make a de novo determination of those portions of the Findings and Recommendation to which objection is made in accordance with the provisions of 28 U.S.C. §636(b) and plaintiff is advised that failure to file timely objections will result in a waiver of his right to appeal from a judgment of the district court based on such Findings and Recommendation. Copies of objections shall be served on all parties with copies of the same to Judge Chambers and this Magistrate Judge.

The Clerk is directed to file these Findings and Recommendation and mail a copy of the same to plaintiff.

DATED: June 8, 2006

  
MAURICE G. TAYLOR, JR.  
UNITED STATES MAGISTRATE JUDGE